



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 500
DENVER, CO 80202-2466
<http://www.epa.gov/region08>



534398

43054

JUN - 8 1999

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ADDRESSEES
(See attached list)

*There are three
addressees
here. Thanks.*

*R.S. Refinery
SSID# 4T
NOT Confidential*

Re: Request for Information Pursuant to Section
104(e) of CERCLA for the R.J. Refining site,
LaBarge, WY

Dear Sir or Madam:

The United States Environmental Protection Agency, Region VIII (EPA) has conducted a removal action at the R.J. Refining site, located near LaBarge, Wyoming (hereinafter "the Site"). Such action was necessary in order to address the threat of release of hazardous substances at the Site. The removal action was conducted pursuant to EPA's authority under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq. (CERCLA).

This letter constitutes a request for information pursuant to Section 104(e) of CERCLA, as amended, 42 U.S.C. § 9604(e). EPA is seeking information relating to your activities at the Site and any information you can provide regarding historical operations of this facility.

Pursuant to the authority of Section 104(e) of CERCLA, you are hereby requested to respond to the enclosed Information Request.

Your response to this request should be mailed no later than ten days after your receipt of this request, to:

Maureen O'Reilly, Enforcement Specialist
U.S. Environmental Protection Agency
999 18th Street, Suite 500/8ENF-T
Denver, Colorado 80202-2405

Your response to this request must be accompanied by a notarized certificate that you have signed and dated. The notarized certificate must state that the response submitted to EPA is complete and contains all information responsive to this request that is known to you following a complete



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and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request.

Thank you for your cooperation in this matter. Should you have any questions regarding this information request, please contact Maureen O'Reilly at (303) 312-6402.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon D. Kercher". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sharon D. Kercher, Director
Technical Enforcement Program
Superfund Enforcement

Enclosures

cc w/enc.: M. O'Reilly, ENF-T
W. Silver, ENF-L

R.J. Refinery Site INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each Question in this Information Request (Request).
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or proprietary information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information submitted to EPA pursuant to this Request, provided such claim is allowed by section 104(e)(7) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. § 9604(e). A confidential business information claim may be asserted in the manner described by 40 CFR § 2.203(b). Information covered by a claim of confidentiality will be disclosed by EPA only to the extent and by means of the procedures set forth at 40 CFR. Part 2, 41 Fed. Reg. 36,902 (1976) (amended at 43 Fed. Reg. 40,000 (1978), 50 Fed. Reg. 51,661 (1985)). If no confidentiality claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.
6. All questions asked in the past tense should be interpreted to apply to the present as well.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request:

1. The term "you" shall mean the addressee of this Request.
2. The term "person" shall have the same definition as in section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
4. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
5. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), and the substance or the subject matter.
6. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
7. The terms "and" and "or" shall be construed either disjunctively or conjunctively,

as necessary, to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

8. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate, in the context of a particular question or questions.

9. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. § 9601 et seq., RCRA, 42 U.S.C. § 6901 et seq., or their regulations found at 40 CFR Part 300 or 40 CFR Part 260 et seq., respectively, in which case the statutory or regulatory definitions shall apply.

QUESTIONS

1. Identify the person or persons answering these Questions.
 2. For each Question contained herein, identify all persons consulted in the preparation of the answer.
 3. For each Question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the Question and provide accurate copies of all such documents.
 4. Do you currently lease real property from (b) (6) (b) (6) or have you done so in the past? If so, enclose a copy of your current lease and all past leases (b) (6) (b) (6) to this information request. If you have entered into more than one lease with (b) (6) (b) (6), provide a copy of each lease. For each lease, state the commencement and termination dates if it is not clear from the document.
 5. What real property do you currently lease from (b) (6) (b) (6) or have you leased in the past? Provide the street address or the legal description. If no street address or legal description is available, provide a map with the leased property clearly identified. In addition, describe the nature of the real property leased, e.g. land, a building, a tank, a trailer, etc.
- (b) (6) (b) (6) For what purpose or purposes do you lease or have you leased real property from (b) (6) (b) (6)?
7. What kind of business (b) (6) (b) (6) you conduct or have you conducted on the real property you lease or leased from (b) (6) (b) (6)?
 8. Do you or did you use hazardous substances in the business you conduct or conducted on real property leased from (b) (6) (b) (6)? If so, describe the type of hazardous materials utilized, the volumes of materials (b) (6) (b) (6) brought on to the real property since the date you first leased the real property from (b) (6) (b) (6) and how you manage and dispose of residual or waste materials.
 9. If you have leased (currently or in the past) real property from (b) (6) (b) (6) on the basis of verbal agreements, describe in detail the terms of any and all such agreements, including but not limited to:
 - a) the commencement and termination dates of the verbal lease;
 - b) payment terms and any other terms specifically agreed to by the parties;
 - c) the street address or legal description of the real property. If no street address or

legal description is available, provide a map with the leased property clearly identified; and

d) a description of the nature of the real property leased, e.g. land, a building, a tank, a trailer, etc.

10. Do you currently lease tanks of any kind from (b) (6) (b) (6) or have you done so in the past? If your response is yes, indicate when you leased these tanks, for what purpose you leased these tanks, how you have used these tanks, how others you have authorized through lease or other agreements have used these tanks, how you have maintained these tanks and what actions you take to assure that these tanks are in good working order and that those who are authorized by you to use these tanks are doing so in accordance with relevant law and regulation.

11. Is it your understanding that (b) (6) (b) (6) is the owner of the real property that you have leased from him? If not, please provide the name of the owner of the property.

12. Provide the name, address and telephone number of anyone known to you who may have information regarding the questions outlined above.

NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person responding to the Environmental Protection Agency's (EPA's) Request for Information concerning the R.J. Refining site.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the Request.
3. I hereby certify that the enclosed response to EPA's Request is complete and contains all information and documents responsive to the Request.

(Signature)

(Print Name)

Subscribed and sworn to me this _____ day of _____, 1999.

[SEAL]

Notary Public

My Commission Expires _____

My address is: